

**STATE OF RHODE ISLAND
DEPARTMENT OF HUMAN SERVICES**

TO: Interested Parties

FROM: EOHHS Office of Policy Development

DATE: March 29, 2012

SUBJECT: EOHHS Proposed Rule-Making

In accordance with the Administrative Procedures Act, the Executive Office of Health and Human Services is advertising for promulgation amendments to the Medical Assistance Program Rules, **Sections 0330 Income Generally; 0362 Income Generally; 0384 Income Generally; Section 0396 Waiver Program and 0372 Special Treatment Cover Groups**. EOHHS is also advertising a Category II change request to the Rhode Island Global Choice Compact Waiver to the **Principles of Reimbursement for Nursing Facilities**. These proposed amendments are in compliance with state and federal law and good practice.

Proposed amendments to Sections 0330, 0362, 0384 and 0396 update the Medical Assistance rules to reflect the 2012 changes in the Federal Poverty Level guidelines. Changes are effective April 1, 2012 under emergency rule making. These proposed rules are being filed under both emergency and regular rule making to sustain changes in adherence with the Administrative Procedures Act. The following sub-sections have been changed:

- **0330**
 - 0330.05, Income Standards - Families
 - Technical amendments have been made to 0330.15, 0330.20, 0330.25.05, 0330.25.15, 0330.35.05, 0330.35.05.05, 0330.35.10, 0330.35.15.05, 0330.35.25, and 0330.35.60.
- **0362**
 - 0362.05, Income Standards – Individual/Couple
- **0384**
 - 0384.20, Penalty Period for a Payment of LTC Services
 - Technical amendments have been made to 0384.25.05 and 0384.45.10.
- **0396**
 - 0396.10.25.10, Cost Neutrality - Level of Care Costs
 - 0396.15.05, Post-Eligibility Treatment of Income
 - Technical amendments have been made to 0396.05, 0396.10.20, 0396.20.15 and 0396.20.20.

Proposed amendments to Section 0372 revise the Medical Assistance rules to reflect an increase to the resource limits for the Qualified Medicare Beneficiaries (QMB), Specified Low-Income Medicare Beneficiaries (SLMB), and Qualifying Individuals (QI) Programs to be consistent with provisions of the Medicare Improvements for Patients and Providers

Act of 2008 (MIPPA), PL 110-275. The resource limits for the QMB, SLMB, and QI Programs are \$6,940 for a single person and \$10,410 for a married person living with a spouse and no other dependents. EOHHS implemented the increase in resource limits April 19, 2012 under emergency rule-making to ensure the resource limit for QMB, SLMB and QIs conformed to the resource limits for individuals who qualify for the full subsidy Medicare Part D LIS, and established procedures to re-determine applications received from January 1, 2012 using the higher resource limits. The following sub-sections on 0372 have been changed:

- 0372.05.05 Qualified Medicare Beneficiary (QMB)
- 0372.05.10 Specified Low Income Medicare Beneficiary (SLMB)
- 0372.05.15 Qualifying Individual-1 (QI-1)
- 0372.05.35.05 Resource Limits
- 0372.10 List & Definitions of Limited Benefit Groups

Principles of Reimbursement for Nursing Facilities

A Category II change request to the Rhode Island Global Choice Compact Waiver, with an effective date of April 1, 2012, has been submitted to Centers for Medicare and Medicaid Services (CMS) regarding a proposed reduction in nursing facility payment rates. Proposed language can be found in the General Section, Method for Determining Cost Center Ceilings, Method of Determining Individual Prospective Rates.

Subject to approval of the proposed amendments by CMS, the Executive Office of Health and Human Services estimates that implementation of this rate reduction will result in savings for fiscal year 2012 of \$1.5 million and annual savings for fiscal year 2013 of \$6.0 million.

Please refer to the Public Notice of Proposed Rule-Making for each rule for further information. These proposed rule are accessible through the RI Secretary of State's Proposed Rules and regulations Database Search

(<http://www.sec.state.ri.us/ProposedRules/>) and on the OHHS website (<http://www.ohhs.ri.gov/>) or available in hard copy upon request (401 462-2018).

Interested persons should submit data, views or written comments by Friday, April 27, 2012 to Kimberly Merolla-Brito, Office of Policy Development, Department of Human Services, Louis Pasteur Building, Bldg. 57, Howard Avenue, Cranston, RI 02920, KMerollaBrito@ohhs.ri.gov.